

**SUMMARY:** This document denies a petition filed by Brian M. Encke d/b/a BME Broadcasting, requesting the allotment of FM Channel 225C2 to Clark, Colorado, as that locality's first local aural transmission service. The proposal is denied based upon the petitioner's failure to demonstrate that Clark constitutes a *bona fide* "community", as that term is defined for purposes of Section 307(b) of the Communications Act, as amended by the Telecommunications Act of 1996, for allotment objectives. See 60 FR 36772, July 18, 1995. With this action, the proceeding is terminated.

**EFFECTIVE DATE:** June 11, 1996.

**FOR FURTHER INFORMATION CONTACT:** Nancy Joyner, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-107, adopted May 15, 1996, and released June 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, located at 1919 M Street, NW., Room 246, or 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-14705 Filed 6-10-96; 8:45 am]

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#### 47 CFR Part 73

[MM Docket No. 95-137; RM-8683]

#### Radio Broadcasting Services; Milton, WV and Flemingsburg, KY

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Simmons Broadcasting Company, substitutes Channel 292B1 for Channel 292A at Milton, West Virginia, and modifies Station WFXN(FM)'s license accordingly. To accommodate the upgrade, we also substitute Channel 236A for Channel 292A at Flemingsburg, Kentucky, and modify Station WFLE-FM's license

accordingly. See 60 FR 45391, August 31, 1995. Additionally, we dismiss the invalid counterproposals filed jointly by Kentucky River Broadcasting Company, WMOR, Inc., and James P Gray, since there is no mutual exclusivity between the petitioner's upgrade request at Milton, West Virginia, and the counterproponents' upgrade requests for Morehead-Carlisle-Irvine, Kentucky. Channel 292B1 can be allotted to Milton, West Virginia, in compliance with the Commission's minimum distance separation requirements with a site restriction of 0.7 kilometers (0.5 miles) southeast to avoid a short-spacing to the licensed site of Station WWJM(FM), Channel 292A, New Lexington, Ohio. The coordinates for Channel 292B1 at Milton are North Latitude 38-29-02 and West Longitude 82-12-59. See *Supplementary Information, infra*.

**EFFECTIVE DATE:** July 19, 1996.

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 95-137, adopted May 17, 1996, and released June 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Channel 236A can also be allotted to Flemingsburg, Kentucky, in compliance with the Commission's minimum distance separation requirements at Station WFLE-FM's presently licensed site. The coordinates for Channel 236A at Flemingsburg are North Latitude 38-24-42 and West Longitude 83-34-41. With this action, this proceeding is terminated.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: Sections 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under West Virginia, is amended by removing Channel 292A and adding Channel 292B1 at Milton.

3. Section 73.202(b), the Table of FM Allotments under Kentucky, is amended by removing Channel 292A and adding Channel 236A at Flemingsburg.

Federal Communications Commission.

John A. Karousos,

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 96-14704 Filed 6-10-96; 8:45 am]

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#### 47 CFR Part 73

[MM Docket No. 89-590; RM-7071, RM-7855]

#### Radio Broadcasting Services; Sumter, Orangeburg and Columbia, SC

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Gamecock City Broadcasting, Inc. (now Threshold Broadcasting, Inc.), dismisses the request to reallocate Channel 267C from Sumter to Columbia, South Carolina, and modify Station WWDM's license accordingly. See 55 Fed. Reg. 883, January 10, 1990. The Commission also denies the request of Radio South Carolina, Inc., to reallocate Channel 294C1 from Orangeburg to Columbia, and the modification of Station WTCB(FM)'s license accordingly. See 57 Fed. Reg. 7902, March 5, 1992. With this action, this proceeding is terminated.

**EFFECTIVE DATE:** June 11, 1996.

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's *Report and Order*, MM Docket No. 89-590, adopted May 24, 1996, and released June 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.